

HOUSE No. 2168

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and others for legislation to promote proper school nutrition. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

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Stephen P. LeDuc	Benjamin Swan
Mark V. Falzone	Robert F. Fennell
Joyce A. Spiliotis	Jennifer M. Callahan
Matthew C. Patrick	Patricia A. Haddad
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Thomas P. Kennedy	Kay Khan
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In the Year Two Thousand and Seven.

AN ACT TO PROMOTE PROPER SCHOOL NUTRITION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the General Laws as appearing in the
2 2004 Official Edition is hereby amended by adding at the end
3 thereof, the following sections:—

4 Section 90. The following words, as used in this section and in
5 section 91, inclusive, shall have the following meaning, unless the
6 context otherwise requires:—

7 “Added sweetener”, any additive that enhances the sweetness of
8 the beverage, including but not limited to added sugar, but does not

9 include the natural sugar or sugars that are contained within the fruit
10 juice that is a component of the beverage.

11 “Full meal”, any combination of food items that meet a United
12 States Department of Agriculture-approved meal pattern.

13 “Elementary school”, a public school that maintains any grade
14 from pre-kindergarten to grade 6, inclusive, but no grade higher than
15 grade 8.

16 “Middle school”, a public school that maintains any of grades 6 to
17 9, inclusive, but no grade higher than grade 9.

18 “High school”, a public school maintaining any of grades 9 to 12,
19 inclusive.

20 Section 91. The following applies to any food or beverages sold
21 in Massachusetts Public schools excluding the National School
22 Lunch and Breakfast Programs.

23 (a) In elementary, middle and high schools, only the following
24 types of beverages shall be sold:—

25 a.) At least fifty-percent fruit juices or fruit or vegetable-based
26 juices that have no added natural or artificial sweeteners in not more
27 than 12 ounce containers;

28 b.) Drinking water, in any size container; and

29 c.) Low fat and non-fat milk, including but not limited to low-fat
30 and non-fat chocolate milk, soymilk and/or rice milk and other sim-
31 ilar dairy or nondairy milk, in not more than 16 ounce containers.

32 Soy and rice drinks must be calcium and vitamin fortified, including

33 Vitamin D, and contains no more than 30 grams total sugars.

34 (b) In elementary, middle and high schools, only the following
35 types of food shall be sold:—

36 a.) Package sizes shall not be greater than:—

37 Grains:— 1.25 ounces for chips, crackers, popcorn and similarly
38 packaged items; 2 ounces for cookies, cereal bars and similarly
39 packaged items; 3 ounces for bakery items (e.g., pastries, muffins);

40 Dairy:— 8 ounces for yogurt, 3 ounces for ice cream; 2 ounces
41 for cheese;

42 Nuts and seeds:— 1.25 ounces for trail mix, nuts, seeds and jerky;

43 Fruits and vegetables:— no maximum package size; must meet
44 the requirements stated below.

45 b.) Each package with not more than 30 per cent of its total calo-
46 ries from fat or 7 grams maximum per package. These provisions
47 shall also apply to non-prepackaged food items sold in a la carte

48 food lines or any place in schools where non-prepackaged food
49 items are sold.

50 c.) Each package with not more than 10 per cent of its total calo-
51 ries or 2 grams maximum per package from saturated fat and not
52 more than 0.5 grams of trans fats. These provisions shall also apply
53 to non-prepackaged food items sold in a la carte food lines or any
54 place in schools where non-prepackaged food items are sold.

55 d.) Each package of grains, fruits or vegetables with not more
56 than 30 grams of total carbohydrates (including natural and added
57 sugar); each package of dairy with not more than 5 grams per ounce
58 of total carbohydrate (including added sugar and natural milk sugar).

59 e.) Each package with not more than 230 mg per serving of
60 sodium for packaged items, including and not limited to fruit cups,
61 baked goods, cereal bars, chips, crackers, nuts and seeds. Each
62 package with not more than 480 mg per serving for yogurt, yogurt
63 products, cottage cheese and other such dairy foods.

64 (c) Food items not prepackaged with nutritional information by
65 the distributor shall be required to have nutritional information
66 (calories, percentage of calories from fat, percentage of calories
67 from saturated fat, cholesterol, protein, carbohydrate, fiber, calcium,
68 iron, vitamin A and vitamin C) available to students, either on a dis-
69 play case, in a binder or within information packets held by food
70 service staff for requests by students. This requirement shall take
71 effect by the second school year following 180 days of the passage
72 of this bill.

73 (d) The standards in section 91(a)-(c) shall apply to the sale of all
74 foods on school grounds, including, but not limited to school stores,
75 a la carte lines in cafeterias, vending machines, concession stands
76 and fundraisers. Requirements for the National School Lunch Pro-
77 gram and School Breakfast and Child Care and Adult Programs shall
78 follow all federal requirements.

79 (e) Fresh fruit and non-fried vegetables shall be offered for sale at
80 any location where food is sold with the exception of non-refriger-
81 ated vending machines and vending machines which dispense only
82 beverages.

83 (f) The department of public health shall promulgate rules and
84 regulations to carry out the provisions of this section and shall have
85 the authority to adjust the standards set forth in this section after five
86 years of the inception of this act, and every three years thereafter.

1 SECTION 2. Chapter 15 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after section
3 IE, the following section:—

4 Section IE½

5 (a) The department of public health, in consultation with the
6 department of education, shall annually establish:—

7 Regulations and guidelines for the training of all elementary,
8 middle, and high school nurses in behavioral health and appropriate
9 treatment and resources for eating disorders; regulations and guide-
10 lines for professional development for school nurses and aid staff to
11 gain the most up-to-date knowledge on eating disorder treatment and
12 identification; and guidelines to establish a referral program where
13 medical resources in the community shall collaborate with schools to
14 identify children in need of services and provide these resources
15 through in-school, outpatient and inpatient settings, where appro-
16 priate.

1 SECTION 3. Chapter 69 section 1D of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out lines 30 through 32 and replacing them with the
4 following sentences:—

5 The standards shall provide for instruction in the issues of nutri-
6 tion and exercise. The standards may provide for instruction in the
7 issues of physical education, AIDS education, violence prevention,
8 and drug, alcohol, and tobacco abuse prevention.

1 SECTION 4. Chapter 111 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by inserting after
3 section 219, the following section:—

4 Section 220.

5 The department of public health in collaboration with the depart-
6 ment of education shall review and analyze the trend in reported
7 cases of obesity and eating disorders in students. Such review shall
8 include but not be limited to:—(a) Development and promulgation
9 of data collection and reporting regulations and guidelines associated
10 with the implementation of this section;

11 (b)Evaluation of the trends of reported cases of obesity and eating
12 disorders across the Commonwealth;

13 (c) Study of the access to quality health care and whether students
14 are receiving appropriate and adequate care in the treatment of their
15 obesity or eating disorder.

16 (d) Promulgation of regulations by the department that permit the
17 standards in the above section

1 SECTION 5. The department of public health shall establish an
2 annual public service campaign to raise awareness on the issue of
3 pediatric overweight, and the state's initiative to reduce the epidemic
4 through available resources and support programs. The campaign
5 shall include, but not be limited to:—

6 (a) Public service announcements regarding physical activity,
7 nutrition and healthy lifestyles.

8 (b) Reducing the number of television viewing hours by children.

9 (c) Increasing state and local initiatives for free-time physical
10 activity for children.

11 (d) Reducing potential transportation barriers to available free-
12 time physical activities in the community.

13 (e) Increasing community areas of green space and indoor facil-
14 ties for out of school and free-time physical activities as well as
15 addressing concerns about neighborhood safety.

16 (f) Distributing a kit of information to schools including
17 brochures and tapes on pediatric overweight.

18 (g) Creating an interactive website with information and resources
19 on pediatric overweight.

1 SECTION 6. There is hereby established a special commission to
2 conduct an analysis of childhood obesity, nutrition, physical activity
3 and education, and wellness in the commonwealth. Said commission
4 shall consist of:— the Commissioner of Public Health, or his
5 designee; the Commissioner of Medical Assistance, or his designee;
6 one person to be appointed by the Governor, one person to be
7 appointed by the Speaker of the House and one person to be
8 appointed by the Senate President; a board certified dietitian or
9 nutritionist; a board certified pediatrician from the American
10 Academy of Pediatrics; a representative from the Board of Psy-
11 chology; a representative from the Massachusetts Public Health
12 Association; a representative from the Massachusetts School Nurse
13 Organization; a representative from Massachusetts Dental Society; a

14 board certified physician from the American Academy of Family
15 Physicians; and one person appointed by the Commissioner of the
16 Department of Education. Said commission shall evaluate the state
17 of childhood obesity in Massachusetts, including but not limited to
18 physical education programs, school lunches, school snack and soda
19 vending machines, adequate amounts of time for school lunch
20 periods, mental health issues related to eating disorders including
21 but not limited to anorexia, bulimia, and obesity, and after school
22 program and national standards.

23 Said commission shall report its findings, and file any draft legis-
24 lation with the clerks of the House of Representatives and the
25 Senate, the Joint Committee on Public Health and the house and
26 senate committees on ways and means not later than one year after
27 the passage of this act. Thereafter, the Department of Public Health
28 shall conduct, every two years, analyses to evaluate childhood obe-
29 sity in Massachusetts. DPH shall report their findings to the Com-
30 mittee on Public Health sixty days after the conclusion of the review.

31 This Act shall take effect on the first full school year following
32 180 days of its passage.